

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: Hermann Bujard et al.

Serial No.: 09/281,674

Filed: March 30, 1999

For: *METHODS FOR REGULATING GENE  
EXPRESSION*

Attorney Docket No.: BBI-013C3CN2RCE

Group Art Unit: 1632

Examiner: R. Shukla

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Examiner Shukla

**Certificate of Facsimile**

I hereby certify that this correspondence is being facsimile transmitted to Examiner Shukla at the Patent and Trademark Office, facsimile no. 703-872-9306, on the date shown below.

Dated: January 21, 2004

Signature: 

(DeAnn F. Smith)

**TERMINAL DISCLAIMER**

Dear Sir:

I, DeAnn F. Smith, Registration No. 36,683, as attorney of record in the above-identified patent application, hereby declare that Knoll Aktiengesellschaft, a corporation organized under the laws of Germany having a place of business at Ludwigshafen, Germany, and Abbott GmbH & Co., KG, having a place of business at Wiesbaden, Germany, are the owners of the above-identified patent application by Assignment documents executed for the parent application (Serial No. 08/479,306, issued as U.S. Patent No. 5,888,981). Assignment documents executed for the parent application (Serial No. 08/479,306) by the inventors to Knoll Aktiengesellschaft, (and its affiliate corporation BASF Bioresearch Corporation) and BASF Aktiengesellschaft,

having its principal place of business at Ludwigshafen, Germany include: the Assignment executed by inventor Hermann Bujard on March 15, 1996 and recorded on April 17, 1996 at Reel 7912, Frame 0924; the Assignment document executed by inventor Manfred Gossen on March 15, 1996 and recorded on April 17, 1996 at Reel 7910, Frame 0537; the Assignment document executed by inventors Jochen Salfeld and Jeffrey Voss on August 23, 1995 and recorded on September 14, 1995 at Reel 7643, Frame 0404. Abbott Gmbh & Co., KG is the owner of the above-identified patent application by an Assignment document executed for the parent application (Serial No. 08/479,306) by BASF Aktiengesellschaft to Abbott Gmbh & Co., KG executed on May 22, 2003 and recorded on June 10, 2003 at Reel 013718, Frame 0861.

Pursuant to 35 U.S.C. §253 and 37 C.F.R. §1.321, Assignees Knoll Aktiengesellschaft, and Abbott Gmbh & Co., KG hereby disclaim the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,888,981, issued March 30, 1999, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 5,888,981, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

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Assignees Knoll Aktiengesellschaft and Abbott GmbH & Co., KG do not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent 5,888,981, in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); has all claims canceled by a reexamination certificate; is reissued; or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer; except for the separation of legal title stated above.

Signed at Boston, Massachusetts this 21<sup>st</sup> day of January 2004 by:



Respectfully submitted,  
LAHIVE & COCKFIELD, LLP.  
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Attorney for Applicants